



APPENDIX A2

**Selected Michigan Statutes,
Court Rulings and Supreme Court
Administrative Orders Concerning
Court Facilities**





SELECTED MICHIGAN STATUTES, COURT RULES,
AND SUPREME COURT ADMINISTRATIVE ORDERS

**SELECTED MICHIGAN STATUTES, COURT RULES, AND SUPREME COURT
ADMINISTRATIVE ORDERS CONCERNING COURT FACILITIES**

- STATUTES -

MCL 45.16; MSA 5.291

**Courthouse, jail, and other necessary public building;
location, plans, contracts**

Sec. 16. Each organized county shall, at its own cost and expense, provide at the county seat thereof a suitable courthouse, and a suitable and sufficient jail and fireproof offices and all other necessary public buildings, and keep the same in good repair.

MCL 46.7; MSA 5.327

**Construction and repair of public building and bridges, duty,
financing**

Sec. 7. It shall be the duty of the board, as often as shall be necessary, to cause the courthouse, jail, and all other public buildings and public offices of the county, to be duly repaired at the expense of the county. The county board of commissioners of a county may, subject to the limitations provided in Act. No. 62 of the Public Acts of 1933, as amended, being sections 211.201 to 211.217a of the Michigan Compiled Laws, levy a tax on the taxable property in the county for the construction or repair of public buildings or bridges. The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount and in addition to any other taxes, even though the bonds or other evidences of indebtedness were issued for the foregoing purposes. The repair of the courthouse, jail, and all other public buildings and public offices of the county is hereby declared to be a current county operating expense for which financing; the county board of commissioners may authorized the use of any county collections not raised by taxation and under their control for current county operating expenses, for the repair of public building owned by for county. The amount of money spent for the repair of county buildings in any 1 fiscal year from funds not raised by taxation and under control of the county board of commissioners for current operating expenses, shall not exceed the total amount of such money collected in that year, except as otherwise provided by law unless submitted to the electors of the county and approved by a majority of those voting thereon.

MCL 600.581; MSA 27A.581

Sheriffs, deputies; attendance at court sessions

Sec. 581. The sheriff of the county, or his deputy, shall attend the circuit court, probate court, and district court sessions, when requested by these courts, and the sessions of other courts as required by law. The judge in his discretion:

- (1) shall fix, determine, and regulate the attendance at court sessions of the sheriff and his deputies;
- (2) may fine the sheriff and his deputies for failure to attend.

MCL 600.816; MSA 27A.81

Probate judges; offices; location of sessions

Sec. 816. (1) A probate judge shall hold sessions of the probate court at the county seat of each county, unless an alternative primary location is designated pursuant to subsection (3), and may hold sessions of the probate court in any city of the county where sessions of the circuit court are authorized by law to be held. A probate judge may maintain an office at any place where sessions of the probate court are held.



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(2) A probate judge may hold sessions of the court at the regional diagnostic and treatment center assigned to his or her court if sessions are approved by the state court administrator. The center shall provide an area for court sessions to which the public has access.

(3) Subject to the approval of the county board of commissioners and the state court administrator, the chief probate judge of a county may designate 1 or more places in the county where regular sessions of probate court may be held. A designation made under this subsection shall be delivered to the county clerk.

(4) Noting in this section prohibits a judge from holding a hearing regarding an allegedly legally incapacitated person or an allegedly mentally ill person at any site considered appropriate by the court as provided by section 443 or the revised probate code, Act No. 642 of the Public Acts of 1978, being section 700.443 of the Michigan Compiled Laws, or section 456 of the mental health code, Act No. 258 of the Public Acts of 1974, being section 330.1456 of the Michigan Compiled Laws.

MCL 600.1531; MSA 27A.1531

Alternative time and place of court; notice

Sec. 1531. Whenever good cause therefor exists, the judge or judges of the circuit may designate a temporary alternative time and place in the same county for holding court. The designation shall be by written order, signed by the judge or judges making the designation, and disseminated to provide reasonable notice. The order shall state the manner in which such notice is to be disseminated.

MCL 600.8102; MSA 27A.8102

Judicial districts

Sec. 8103. (1) A district of the first class is a district consisting of 1 or more counties and in which each county comprising the district is responsible for maintaining, financing and operating the district court within its respective county except as otherwise provided in this act.

(2) A district of the second class is a district consisting of a group of political subdivisions within a county and in which the county where such political subdivisions are situated is responsible for maintaining, financing and operating the district court except as otherwise provided in this act.

(3) A district of the third class is a district consisting of 1 or more political subdivisions within a county and in which each political subdivision comprising the district is responsible for maintaining, financing and operating the district court within its respective political subdivision except as otherwise provided in this act.

MCL 600.8104; MSA 27A.8104

District funding unit or district control unit; definition, functions; district court expenses

Sec. 8104. (1) The term “district funding unit” or “district control unit” means:

(a) The county in districts of the first and second class.

(b) The city or the township in districts of the third class except as provided in subdivision (c).

(c) The city or the incorporated village in districts of the third class in which portions of 2 townships comprise an incorporated village.

(2) Except as otherwise provided in this act, a district funding unit shall be responsible for maintaining, financing, and operating the court only within its political subdivision. In districts of the third class a political subdivision shall not be responsible for the expenses of maintaining, financing, or operating the district court,



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traffic bureau, or small claims division incurred in any other political subdivision except as provided by section 8621 and other provisions of this act.

(3) One or more district funding units within any district may agree among themselves to share any or all of the expenses of maintaining, financing, or operating the district court. To become effective such agreements must be approved by resolution adopted by the governing body of the respective political subdivision entering into the agreement, and upon approval such agreements shall become effective and binding in accordance with, to the extent of, and for such period stated in that agreement.

(4) The district funding unit shall supply such law books and legal reference resources as it deems necessary. No subsidy from state funds shall be required to stock any district court created by this act with law books or other legal reference works.

MCL 600.8251; MSA 27A.8251

Place of holding court

Sec. 8251. (1) In districts of the first class, the court shall sit at each county seat and at each city having a population of 3,250 or more, except the court shall not be required to sit at any city if it is contiguous to the county seat or contiguous to a city having a greater population. The court shall also sit at other places as the judges of the district determine. The court shall sit not less than once each week in each county of a multi county district.

(2) In districts of the second class, the court shall sit at any county seat within the district, and at each city and incorporated village within the district having a population of 3,250 or more, except that if 2 or more cities or incorporated villages are contiguous the court need sit only in the city having the greater population. The court shall not be required to sit in any political subdivision if the governing body of that subdivision by resolution and the court agree that the court shall not sit in the political subdivision. If the district does not contain a county seat and does not contain any city or incorporated village having a population of 3,250 or more, the court shall sit at a place or places within the district as the judges of the district determine. In addition to the place or places where the court is required to sit, the court may upon agreement of a majority of the judges of the district and upon approval by resolution of the board of commissioners also sit at the county seat of its district control unit situated outside the district, but the court shall sit not less than once each week within the subsection do not apply to the district, and the court shall sit at the county seat of its district control unit situated outside the district. In addition to the place or places where the court is required to sit pursuant to the provisions of this subsection, the court may sit at a place or places within the district as the judges of the district determine. If the court sits at a county seat situated outside the district pursuant to this subsection, it shall exercise the same powers, jurisdiction, and venue as if sitting within the district.

(3) In districts of the third class, the court shall sit at each city having a population of 3,250 or more and within each township having a population of 12,000 or more and at other places as the judges of the district determine. The court shall not be required to sit in any political subdivision if the governing body of that subdivision by resolution and the court agree that the court shall not sit in the political subdivision.

(4) Each judge of the district shall sit at places within the district as the presiding judge designates.

(5) A district judge or district court magistrate may sit at a place outside the district under a multiple district plan pursuant to section 8320.

(6) As used in this section, A population @ means population according to the most recent federal decennial census, except that the most recent census shall not apply until the expiration of 18 months from the date of which the census is taken.



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MCL 600.8261; MSA 27A.8261

Court facilities

Sec. 8261. Court facilities shall be provided at those places where the court sits. In districts of the first and second class they shall be provided by the county and in districts of the third class they shall be provided by each political subdivision where the court sits.

MCL 600.8262; MSA 27A.8262

Facilities for magistrates

Sec. 8262. Facilities for magistrates shall be provided by the district control unit.

MCL 600.8263; MSA 27A.8263

Rental of court or magistrate facilities; contract

Sec. 8263. Rental of court or magistrate facilities constitutes the providing of such facilities and those units of government responsible for providing same may contract with the state, its political subdivisions, corporations or persons for the rental thereof.

MCL 780.757; MSA 28.1287(757)

Court proceedings; waiting area for victim separate from defendant

Sec. 7. The court shall provide a waiting area for the victim separate from the defendant, defendants relatives, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victims contact with defendant, defendants relatives, and defense witnesses during court proceedings.



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- COURT RULES -

MCR 8.115 Courtroom Decorum

- (A) Display of Flags. The flags of the United States and of the State of Michigan must be displayed in a conspicuous place adjacent to the bench at all times when court is in session.
- (B) Judicial Robe. When acting in his or her official capacity in the courtroom, a judge shall wear a black robe.



- SUPREME COURT ADMINISTRATIVE ORDERS -

**Michigan Supreme Court Administrative Order 1983-2
Michigan Courthouse Guidelines**

The Court has received and reviewed the recommendations of the Courthouse Study Advisory Committee which urges the adoption of the Guidelines, contained in Volume I of *The Michigan Courthouse Study*, pp 53-171. The Court finds that the Guidelines reflect sound principles of court facility planning and design, application of which can greatly improved the functioning of Michigan's courts.

Accordingly, all courts and communities planning for and carrying out either construction, remodeling, or renovation of court facilities are urged to use the Guidelines.

[Entered March 2, 1983.]

**Michigan Supreme Court Administrative Order 1989-1
Film or Electronic Media
Coverage of Court Proceedings**

On order of the Court, the report of the Cameras in the Courtroom Committee having been received and considered, the following exception to the Michigan Code of Judicial Conduct, Canon 3A(7) is adopted to permit film or electronic media coverage in all Michigan Courts effective March 1, 1989:

The following guidelines shall apply to film or electronic media coverage of proceedings in Michigan Courts:

1. Definitions.

(a) "Film or electronic media coverage" means any recording or broadcasting of court proceedings by the media using television, radio, photographic, or recording equipment.

(b) "media" or "media agency" means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, professional journal, or other news reporting or news gathering agency.

(c) "Judge" means the judge presiding over a proceeding in the trial court, the presiding judge of a panel in the Court of Appeals, or the Chief Justices of the Supreme Court.

2. Limitations.

(a) Film or electronic media coverage shall be allowed upon request in all court proceedings. Requests by representatives of media agencies for such coverage must be made in writing to the clerk of the particular court not less than three business days before the proceeding is scheduled to begin. A judge has the discretion to honor a request that does not comply with the requirements of this subsection. The court shall provide that the parties be notified of a request for film or electronic media coverage.

(b) A judge may terminate, suspend, limit, or exclude film or electronic media coverage at any time upon a finding, made and articulated on the record in the exercise of discretion, that the fair administration of justice requires such action, or that rules established under this order or additional rules imposed by the judge have been violated. The judge has sole discretion to exclude coverage of certain witnesses, including but not limited to the victims of sex crimes and their families, police informants, undercover agents, and relocated witnesses.



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(c) Film or electronic media coverage of the jurors or the jury selection process shall not be permitted.

(d) A trial judge's decision to terminate, suspend, limit, or exclude film or electronic media coverage is not appealable, by right or by leave.

3. Judicial Authority.

Nothing in these guidelines shall be construed as altering the authority of the Chief Justice, the Chief Judge of the Court of Appeals, trial court chief judges, or trial judges to control proceedings in their courtrooms, and to ensure decorum and prevent distractions and to ensure the fair administration of justice in the pending cause.

4. Equipment and Personnel.

Unless the judge orders otherwise, the following rules apply:

(a) Not more than two videotape or television cameras, operated by not more than one person each, shall be permitted in any courtroom.

(b) Not more than two still photographers, utilizing not more than two still cameras each with not more than two lenses for each camera, and related necessary equipment, shall be permitted in any courtroom.

(c) Not more than one audio system for radio and/or television recording purposes shall be permitted in any courtroom. If such an audio system is permanently in place in the courtroom, pickup shall be made from that system; if it is not, microphones and wires shall be placed as unobtrusively as possible.

(d) Media agency representatives shall make their own pooling arrangements without calling upon the court to mediate any dispute relating to those arrangements. In the absence of media agency agreement on procedures, personnel, and equipment, the judge shall not permit the use of film or electronic media coverage.

5. Sound and Light Criteria.

(a) Only television, photographic, and audio equipment which does not produce distracting sound or light shall be utilized to cover judicial proceedings. Courtroom lighting shall be supplemented only if the judge grants permission.

(b) Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. No artificial lighting device of any kind shall be employed with a still camera.

(c) Media agency personnel must demonstrate in advance, to the satisfaction of the judge, that the equipment proposed for utilization will not detract from the proceedings.

6. Location of Equipment and Personnel.

(a) Television camera equipment and attendant personnel shall be positioned in such locations in the courtroom as shall be designated by the judge. Audio and video tape recording and amplification equipment which is not a component of a camera or microphone shall be located in a designated area remote from the courtroom.



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(b) Still camera photographers shall be positioned in such locations in the courtroom as shall be designated by the judge. Still camera photographers shall assume fixed positions within the designated areas and shall not move about in any way that would detract from the proceedings.

(c) Photographic or audio equipment may be placed in, moved about in, or removed from, the courtroom only during a recess. Camera film and lenses may be changed in the courtroom only during a recess.

(d) Representatives of the media agencies are invited to submit suggested equipment positions to the judge for consideration.

7. Conferences.

There shall be no audio pickup, broadcast or video close up of conferences between an attorney and client, between co-counsel, between counsel and the judge held at the bench at trial, or between judges in an appellate proceeding.

8. Conduct of Media Agency Personnel.

Persons assigned by media agencies to operate within the courtroom shall dress and deport themselves, in ways that will not detract from the proceedings.

9. Nonexclusivity.

These guidelines shall not preclude coverage of any judicial proceeding by news reporters or other persons who are employing more traditional means, such as taking notes or drawing pictures.

[Entered January 13, 1989]

Michigan Supreme Court Administrative Order 1990-7 Videotape Record of Court Proceedings

On order of the Court, the State Court Administrator is authorized to approve, until further order of this Court, trial courts to use videotape record systems for the purpose of making the verbatim court record of proceedings in individual courtrooms. Courts desiring approval to use the videotape record system in a courtroom must apply to the State Court Administrator and must submit a local administrative order to implement the videotape record procedures. Upon approval by the State Court Administrator of the application and the local administrative order, the court may use the videotape record system in the courtroom until further order of this Court or of the State Court Administrator.

The State Court Administrator is authorized to certify which videotape record equipment may be utilized by trial courts for the purposes of making the verbatim court record.

The applications by the trial courts and approval by the State Court Administrator shall be based upon criteria established by this Court.

The previous authorizations by this Court and by the State Court Administrator pursuant to Administrative Order 1989-2 to the twelve pilot courtrooms for utilization for the videotape record systems is continued until further order of this Court or the State Court Administrator.

This order authorizes exceptions to the Michigan Code of Judicial Conduct, Canon 3(A)(7), which currently prohibits such recording, and to MCR 8.108, which requires that certified court reporters and recorders furnishing transcripts of proceedings be in attend.



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The following guidelines shall apply to the courts authorized to use videotape record systems for the purpose of making the court record:

1. At least two videotape recordings, recorded simultaneously, shall constitute part of the original record in the case. One videotape shall be retained by the clerk of the court to be forwarded, or for portions to be copied and forwarded, if an appeal is taken and if requested by the Court of Appeals, to the Court of Appeals pursuant to MCR 7.210. The other videotape shall be stored off the court premises in a location to be designated by the chief judge.

2. The judge shall:

(a) Be charged with the responsibility of ensuring, through routine checks of the videotape system by a suitably trained person, that the videotape system is operating in keeping with specifications.

(b) Keep a proper index of proceedings that have been videotaped, including a list of witnesses and exhibits.

3. If an appeal is taken in an action, which has been videotaped under this order, a transcript of the proceedings must be prepared in the same manner as in the case of proceedings recorded in other ways. However, a court reporter or recorder need not certify attendance at the proceedings being transcribed from the videotaped record, but need only certify that the transcript represents the complete, true and correct rendition of the videotape of the proceeding as recorded.

4. Transcripts of videotape recordings of 25 pages or less must contain, on each page, a reference to the number of the videotape and the month, day, year, hour, and minute at which the reference begins as recorded on the videotape. For example: (Tape No. 1, 10-1-87, 13:23). Transcripts of 26 or more pages must contain this reference on the first page, on every 25 pages thereafter, and on the last page.

5. Film or electronic media coverage in these courts, if utilized, shall be governed by the guidelines set out in Administrative Order 1989-1.

6. The State Court Administrative Office shall provide assistance in implementation of the use of videotape record system in each approved courtroom and shall continue to conduct an evaluation of the program. The courts using videotape record systems shall cooperate with the State Court Administrative Office.

7. This order shall be effective upon entry. Administrative Order 1989-2 is rescinded.
[Entered October 15, 1990]

Michigan Supreme Court Administrative Order 1991-2
Video Arraignment

On order of the Court, the State Court Administrator is authorized to approve, until February 1, 1992, or until further order of this Court,* trial courts to use two-way closed circuit television from a jail to a courtroom in each court for initial criminal arraignments on the warrant, arraignments on the information, criminal pretrials, criminal pleas, criminal sentencing for misdemeanor offenses cognizable in the district court and show call hearings.

The previous authorizations by this Court and by the State Court Administrator pursuant to Administrative Order 1990-1, as amended October 31, 1990, for pilot courtrooms in the circuit and district courts for Genesee and Oakland Counties to utilize two-way closed circuit television, are continued until further order of this Court or the State Court Administrator.



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Each court requesting authorization is directed to expeditiously submit a local administrative order to the State Court Administrator pursuant to MCR 8.112(B) to implement the pilot program and prescribe the administrative procedures for each type of hearing in which closed circuit television will be utilized.

The State Court Administrative Office shall provide assistance in the implementation of the pilot projects, and shall conduct an assessment of the experimental program and report to the Court. The pilot courts shall cooperate with the State Court Administrative Office.

[Entered April 30, 1991]

*Publishers Note: Administrative Order 1992-1, entered January 17, 1992 and amended February 5, 1992, ordered that "The provisions of Administrative Order 1991-2 regarding video arraignment are continued in effect until February 1, 1993." Administrative Order 1993-1, entered January 28, 1993, ordered the provisions "continued in effect until the further order of this Court."

Supreme Court Administrative Order 1992-3 Use of Facsimile Equipment in Mental Health Proceedings

Until further order of the Court, all Michigan probate courts are authorized to utilize facsimile communication equipment to transmit petitions, physicians certificates and other supporting documents from the state regional psychiatric hospitals or private hospitals for filing in the courts.

Participation by Michigan probate courts shall be subject to the discretion of the Chief Judge of the probate court and with the approval of the State Court Administrator.

In all cases, the probate court will consider the documents filed when they are received by the facsimile equipment, and the probate court will initiate all notices so that the hearings are held within the time frames required by the Mental Health Code and Court Rules.

The facsimile documents shall be file-stamped when received and treated like an original, until the original documents are received by mail. If the original is not received within five days, the facsimile documents shall be copied on ordinary paper.

When the original documents are received by mail, the probate court shall file-stamp the originals with the date they are received and place them in the court file. A statement shall also be placed in the file, itemizing the documents received by facsimile and indicating the date received. After comparing the facsimile documents with the original documents, the facsimile documents and any copies thereof shall be discarded.

The State Court Administrative Office shall assist in the implementation of the use of facsimile equipment in mental health proceedings for those courts electing to participate.

[Entered April 3, 1992]

Michigan Supreme Court Administrative Order 1994-2 Facsimile and Communication Equipment for the Filing and Transmission of Court Documents

Until further order of the Court, the State Court Administrative Office may authorize courts to use facsimile communication equipment for the transmission and filing of court documents.

The State Court Administrative Office shall provide assistance in the implementation of the use of facsimile equipment for the filing and transmission of court documents for those courts electing to participate. Participating courts shall cooperate with the State Court Administrative Office and provide information regarding the use of facsimile equipment for the filing and transmission of court documents.



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The previous authorizations by this Court and by the State Court Administrator pursuant to Administrative Order 1990-9, are continued until further order of this Court or the State Court Administrator.

The following experimental court rules shall govern the participating courts:

(A) Facsimile Communication Equipment. Courts by local court rules established pursuant to MCR 8.112(A), may permit the filing of 8 1/2" X 11" pleadings, motions, affidavits, opinions, orders, or other documents by the use of facsimile (FAX) communication equipment. Except as provided by MCR 2.002, a clerk shall not permit the filing of any document for which a filing fee is required unless the full amount of the filing fee is paid or deposited in advance with the clerk. Documents intended to be filed in any court shall be on paper not subject to more rapid deterioration than ordinary typewritten material on ordinary paper.

(B) The local court rule established pursuant to MCR 8.112(A) shall establish for facsimile filing of documents with the court by the public:

- (1) a reasonable fee, in addition to statutory filing fees, to be charged by the clerk, which may take into account the cost of equipment, paper, supplies and telephone line charges;
- (2) a maximum number of pages which may be sent at one time for any document or documents;
- (3) the hours during which documents may be received;
- (4) other reasonable requirements to promote the efficient filing of facsimile documents;
- (5) the method of giving notice to attorneys and litigants of any facsimile filing requirements.

(C) Signature. For purposes of MCR 2.114, a signature includes a signature transmitted by facsimile communication equipment.

(D) Warrants. Facsimile communication equipment and voice communication equipment may be used as provided for in 1990 PA 41, 43, 44 and 45.

[Entered February 3, 1994.]